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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1997]

1. During the past year, Human Rights Watch/Helsinki has continued to monitor closely, through its offices in the region, the human rights situation in Central Asia and wishes to call the Commission's attention to three countries in particular.

Tajikistan

2. Renewed fighting between government and opposition forces in the Tavil-Dara and Gharm Valley regions, politically motivated assassinations and disappearances, and increasingly fragile conditions for humanitarian aid workers added up to Tajikistan's most abusive year since 1992. Continued hostilities displaced an additional 23,000 people by the end of December 1996, exposing them to abuses by government security forces and opposition groups. Landmines in the Tavil-Dara region continued to impede the safe return of the internally displaced to that area, and repatriation of the approximately 20,000 refugees remaining in northern refugee camps in Afghanistan was reportedly impeded by threats and intimidation from opposition camp leaders.

3. The Government continued severely to restrict the activities of those who expressed disagreement with official policies, and virtually controlled the print, broadcast and electronic media. The three opposition parties remained suspended, although one new political party was granted registration in 1996. Despite the provision of food and medical supplies by the ICRC to some prisons, conditions in general remained appalling.

4. In December 1996 and February 1997, an apparently rogue rebel group took hostage Russian journalists and representatives of the ICRC, UNHCR and the United Nations Mission of Observers in Tajikistan (UNMOT), underscoring the almost total lack of government control and authority in Tajikistan. Unharmed, they were still unable to return to the capital as of this writing.

Turkmenistan

5. The autocratic rule of President Saparmurad Niyazov made 1996 another year of relentless oppression of almost all civil and political rights in Turkmenistan. The media are tightly controlled and required to slavishly praise the President and his policies; the last public rally took place in July 1995, and several of the participants remain in jail on unclear charges; there is no political opposition within the country; and political dissidents have been arrested on apparently falsified charges or committed to psychiatric hospitals without apparent medical necessity, making Turkmenistan the only Soviet successor State known to continue this barbaric practice. It is indicative that the only public shows of dissent in 1996 took place in prison, in the form of two prison riots reportedly to protest inhuman conditions. The high degree of repression kept information about abuses minimal again in 1996, which limited international criticism of specific abusive acts and helped the Government operate in an atmosphere of impunity.

Uzbekistan

6. Despite some tentative attempts at reform in 1996, primarily targeting the international community's perception of human rights protections, almost all civil and political freedoms are curtailed or denied by Uzbekistan's authoritarian regime. Security forces akin to the previous, Soviet regime's KGB and a court system that often honours political or partisan pressure over the rule of law maintain firm control over the media, individual free speech, and the right to practise religion independent of government oversight, among other fundamental freedoms. Perceived threats to local or presidential authority are routinely punished. The Government has funded and overseen the formation of "alternative" political parties to create the appearance of a multi-party system, but continues to ban organic opposition groups and their publications and to detain and arrest their adherents. The Government has displayed a similar intolerance for uncontrolled domestic human rights monitoring. Most distressing, the Government of Uzbekistan has used the thaw in relations with international bodies and individual Governments to mask a return to some repressive practices, such as a kidnapping and several illegal evictions of dissidents since September 1996.

7. Human Rights Watch calls on the Commission on Human Rights formally to express concern about the repressive practices in the three Central Asian republics. We also urge the Working Group on Arbitrary Detention, the Special

Rapporteur on freedom of opinion and expression and the Special Rapporteur on torture to conduct investigations and report to the fifty-fourth session of the Commission on Human Rights.

Bahrain

8. Bahrain's human rights situation has deteriorated markedly over the past five years, and especially since the outbreak of civil unrest in December 1994. There is a pattern of arbitrary and prolonged detention without charge or access to lawyers, abusive treatment of detainees, including cases of torture, and State Security Court trials that violate minimal international due process standards. And, in violation of international law and its own Constitution, Bahrain continues to forcibly expel from the country and prevent the return of citizens who have expressed unwelcome political views. This is carried out summarily and without recourse to any judicial or administrative procedure. More than 500 Bahrainis are currently living in forced exile, some for nearly two decades.

9. Bahrain's majority Shi'as are disproportionately represented among the victims of many of these abuses. They are also subject to a pattern of discrimination in public employment and access to education. All Bahrainis, however, are routinely denied the rights to freedom of expression and access to information, freedom of association and assembly, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives. Numerous professionals have been fired from their jobs and blacklisted from other employment for refusing to withdraw their names from petitions to the Amir advocating restoration of the parliament, free elections, and release of prisoners held for their political beliefs. Eight prominent Bahraini religious and community leaders have been held without charge or trial since January 1996, most of them incommunicado.

10. Human Rights Watch urges the Commission on Human Rights to express concern publicly about Bahrain's repressive practices, and to urge an end to the illegal and unusual practice of expelling its own citizens for their suspected political views or activities. We also urge the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression to investigate conditions in Bahrain and report to the Commission on Human Rights at its fifty-fourth session.

Colombia

11. The human rights situation in Colombia continues to be extremely serious. The Government has yet to take aggressive measures to address the root causes of abuses, including ending the military's covert alliance with paramilitary groups and addressing impunity, particularly in the military justice system.

12. National human rights groups recorded an average of six political killings a day relatively constantly since 1988. Human rights monitors are frequent targets. Three monitors were killed in 1996, including Josué Giraldo, president of the Meta Civic Committee for Human Rights.

13. An estimated 65 per cent of registered acts of political violence are attributed to the armed forces and their paramilitary partners. An estimated 35 per cent are attributed to guerrillas, who have amassed a record of killing political opponents, kidnapping, attacking civilian targets, and using landmines indiscriminately.

14. A disturbing recent development is the increase in paramilitary activity in league with military operations. In just one three-month period in 1996, paramilitaries were believed to be responsible for at least 181 political killings and 43 forced disappearances. Paramilitaries were also implicated in forced displacement, which continued at high levels.

15. The response of the Government to pressure to improve the protection of human rights has been poor. Instead, there is a clear trend to cede broad powers to the military through the declaration of states of "interior commotion" and "special public order zones". In areas so designated, the security forces are authorized to limit travel and carry out searches and arrests without warrants.

16. Impunity, particularly in the military courts, remains total. For example, despite convincing evidence that Gen. (ret.) Farouk Yanine Díaz organized and deployed paramilitary groups against civilians in the 1980s, the Superior Judicial Council decided that such activity was part of his military service and should be judged by a military court.

17. We recommend that the Commission work to strengthen the field office in Colombia, setting as its priority an immediate review of the deteriorating human rights situation. Information should be promptly released publicly, including an evaluation of the Colombian Government's progress in implementing the many recommendations made to it by the United Nations representatives who have visited the country.

Nigeria

18. Last year, the Commission on Human Rights mandated the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions to prepare an interim report on Nigeria for the General Assembly and a final report for the 1997 meeting of the Commission. The Nigerian Government has failed to cooperate with the Special Rapporteurs and has displayed no signs of attempting to implement the recommendations made by them in their interim report to the General Assembly, those made by the Secretary-General's fact-finding team which visited Nigeria in April 1996, or those made by the Human Rights Committee in considering Nigeria's first report on the International Covenant on Civil and Political Rights last year.

19. In light of the lack of improvement of Nigeria's human rights record and failure to comply with international bodies, Human Rights Watch calls on the Commission on Human Rights to adopt a resolution strongly critical of violations of human rights in Nigeria and to appoint a special rapporteur on Nigeria to monitor the situation in that country until it has been returned to rule by a civilian government following free and fair elections.

Hong Kong

20. Human Rights Watch is very concerned about the human rights situation in Hong Kong after 1 July 1997, when the British colony formally becomes a Special Administrative Region of China. The Chinese Government has already sent several disturbing signals. It decided to disband the elected Legislative Council on 1 July and appoint a provisional legislature in its place. Chinese officials have also announced that certain topics will be off limits to public discussion in Hong Kong after 1 July, such as Taiwan or Tibetan independence. All media in Hong Kong have been banned from covering discussions of the Preparatory Committee, the 150-person body handpicked by China to guide the reversion process. Hong Kong-based journalists have been arrested and detained while covering events in China. The Commission should closely monitor upcoming events in Hong Kong and should request the Secretary-General to prepare a status report on human rights in Hong Kong to be presented to the fifty-fourth session of the Commission on Human Rights.